Single Bench

(5)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHATTISGARH)

WRIT PETITION (S) NO. 5986 OF 2006

PETITIONER : Smt. Reeta Kujur,
Wife of Shri Parmeshwar Kujur, aged about 35 years, Presently working as Assistant Teacher Middle School Bhafauli, Block Ambikapur, District Surguja (C.G.).

P.R. No. 60 21/06
Presented by Shri Ganesh Gupta
dated 31-10-06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh,
Through: The Secretary, Department of School Education D.K.S. Bhawan Raipur (C.G.).

2. The Secretary,
Department of Tribal Welfare, D.K.S. Bhawan, Raipur (C.G.).

3. The Commissioner,
Tribal Development, Raipur (C.G.).

4. The Collector,
Ambikapur, District Surguja (C.G.).

5. The Assistant Commissioner,
Tribal Development, Ambikapur, District Surguja (C.G.).

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(4) (6)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(48)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 5986 of 2006

Petitioner : Smt. Reeta Kujur

Versus

Respondents : State of Chhattisgarh & Others

Shri Bhaskar Payashi, counsel for the petitioner.

ORDER

(6th November, 2006)

1. The petitioner was employed as Assistant Teacher in Middle School, Bhafauli, Block Ambikapur, District Surguja. By impugned order dated 30.6.2006 (Annexure P/2), the petitioner was transferred from Middle School, Bhafauli, Block Ambikapur to Middle School, Kundavasti, Block Surajpur.

2. Being aggrieved, the petitioner had filed a writ petition being W.P. (s) No. 4398 of 2006 challenging the validity of the impugned transfer order dated 30.6.2006. This Court, after hearing learned counsel for the petitioner and learned counsel for the respondents/State, it was noticed that the petitioner had already moved an appeal against the impugned transfer order before the Commissioner, Tribal Development, Raipur (respondent No. 3 therein). The Court accordingly directed the respondent No. 3 therein, to decide the appeal filed by the petitioner within two weeks from the date of receipt a copy of the order.

(49)

3. The petitioner has filed this petition challenging the same order again, which has already been considered and decided by this Court in W.P.(s) No. 4398/2006. This is a blatant misuse of the judicial process. The petitioner is not permitted to challenge the same order because the same cause of action has already been considered and decided after hearing both the parties. In this petition, for misuse of the judicial process the petitioner should be saddled with some cost.

4. Accordingly, this writ petition is dismissed with cost of Rs. 2000/-. The cost be deposited within a period of two weeks from today in the High Court Legal Aid Committee.

Sd/-
Satish K. Agnihotri
Judge

Bablu